

## Nursing Act, 1991

### S.O. 1991, CHAPTER 32

**Consolidation Period:** From December 30, 2017 to the [e-Laws currency date](#).

Last amendment: 2017, c. 8, Sched. 22.

Legislative History: 1997, c. 9, s. 1-3; 1998, c. 18, Sched. G, s. 37; 2007, c. 10, Sched. B, s. 14; 2007, c. 10, Sched. R, s. 16; 2009, c. 26, s. 18; 2017, c. 8, Sched. 22.

#### Definitions

1 In this Act,

“College” means the College of Nurses of Ontario; (“Ordre”)

“Executive Director” means the Registrar; (“directeur général”)

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Regulated Health Professions Act, 1991*; (“Code des professions de la santé”)

“member” means a member of the College; (“membre”)

“profession” means the profession of nursing; (“profession”)

“this Act” includes the Health Professions Procedural Code. (“la présente loi”) 1991, c. 32, s. 1.

#### Health Professions Procedural Code

2 (1) The Health Professions Procedural Code shall be deemed to be part of this Act. 1991, c. 32, s. 2 (1).

#### Terms in Code

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

“College” means the College of Nurses of Ontario; (“ordre”)

“health profession Act” means this Act; (“loi sur une profession de la santé”)

“profession” means the profession of nursing; (“profession”)

“regulations” means the regulations under this Act. (“règlements”) 1991, c. 32, s. 2 (2).

#### Definitions in Code

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act. 1991, c. 32, s. 2 (3).

#### Scope of practice

3 The practice of nursing is the promotion of health and the assessment of, the provision of care for and the treatment of health conditions by supportive, preventive, therapeutic, palliative and rehabilitative means in order to attain or maintain optimal function. 1991, c. 32, s. 3.

#### Authorized acts

4 In the course of engaging in the practice of nursing, a member, other than a member described in section 5.1, is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

**Note:** On a day to be named by proclamation of the Lieutenant Governor, section 4 of the Act is amended by striking out “other than a member described in section 5.1” in the portion before paragraph 1 and substituting “who is a registered practical nurse”. (See: 2017, c. 8, Sched. 22, s. 1)

1. Performing a prescribed procedure below the dermis or a mucous membrane.
2. Administering a substance by injection or inhalation.
3. Putting an instrument, hand or finger,

- i. beyond the external ear canal,
  - ii. beyond the point in the nasal passages where they normally narrow,
  - iii. beyond the larynx,
  - iv. beyond the opening of the urethra,
  - v. beyond the labia majora,
  - vi. beyond the anal verge, or
  - vii. into an artificial opening into the body.
4. Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning.
  5. Dispensing a drug. 1991, c. 32, s. 4; 2009, c. 26, s. 18 (1, 2); 2007, c. 10, Sched. R, s. 16.

**Section Amendments with date in force (d/m/y)**

2007, c. 10, Sched. R, s. 16 - 30/12/2017

2009, c. 26, s. 18 (1) - 01/10/2011; 2009, c. 26, s. 18 (2) - 01/01/2014

2017, c. 8, Sched. 22, s. 1 - not in force

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 8, Sched. 22, s. 2 (1))**

**Authorized acts by certain registered nurses**

**4.1** In the course of engaging in the practice of nursing, a member who is a registered nurse, other than a member described in section 5.1, is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating to a patient or to his or her representative a diagnosis made by the member where the purpose of that communication is for prescribing a drug as authorized under paragraph 5.
2. Performing a prescribed procedure below the dermis or a mucous membrane.
3. Administering a substance by injection or inhalation.
4. Putting an instrument, hand or finger,
  - i. beyond the external ear canal,
  - ii. beyond the point in the nasal passages where they normally narrow,
  - iii. beyond the larynx,
  - iv. beyond the opening of the urethra,
  - v. beyond the labia majora,
  - vi. beyond the anal verge, or
  - vii. into an artificial opening into the body.
5. Prescribing drugs designated in the regulations.
6. Dispensing a drug. 2017, c. 8, Sched. 22, s. 2 (1).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 4.1 of the Act is amended by adding the following paragraph: (See: 2017, c. 8, Sched. 22, s. 2 (2))**

7. Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning.

**Section Amendments with date in force (d/m/y)**

2017, c. 8, Sched. 22, s. 2 (1, 2) - not in force

### **Additional requirements for authorized acts**

5 (1) A member shall not perform a procedure under the authority of section 4 unless,

**Note:** On a day to be named by proclamation of the Lieutenant Governor, subsection 5 (1) of the Act is amended by striking out “section 4” in the portion before clause (a) and substituting “section 4 or 4.1”. (See: 2017, c. 8, Sched. 22, s. 3)

- (a) the performance of the procedure by the member is permitted by the regulations and the member performs the procedure in accordance with the regulations; or
- (b) the procedure is ordered by a person who is authorized to do the procedure by section 5.1 of this Act or by the *Chiroprody Act, 1991*, the *Dentistry Act, 1991*, the *Medicine Act, 1991* or the *Midwifery Act, 1991*. 1991, c. 32, s. 5 (1); 1997, c. 9, s. 1.

### **Grounds for misconduct**

(2) In addition to the grounds set out in subsection 51 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (1). 1991, c. 32, s. 5 (2).

### **Section Amendments with date in force (d/m/y)**

1997, c. 9, s. 1 - 11/02/1998

2017, c. 8, Sched. 22, s. 3 - not in force

### **Authorized acts by certain registered nurses**

**5.1** (1) In the course of engaging in the practice of nursing, a member who is a registered nurse and who holds an extended certificate of registration in accordance with the regulations, is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

- 1. Communicating to a patient or to his or her representative a diagnosis made by the member identifying, as the cause of the patient’s symptoms, a disease or disorder.
- 2. Performing a procedure below the dermis or a mucous membrane.
- 3. Putting an instrument, hand or finger,

**Note:** On a day to be named by proclamation of the Lieutenant Governor, paragraph 3 of subsection 5.1 (1) of the French version of the Act is amended. (See: 2017, c. 8, Sched. 22, s. 4)

- i. beyond the external ear canal,
  - ii. beyond the point in the nasal passages where they normally narrow,
  - iii. beyond the larynx,
  - iv. beyond the opening of the urethra,
  - v. beyond the labia majora,
  - vi. beyond the anal verge, or
  - vii. into an artificial opening of the body.
- 4. Applying or ordering the application of a prescribed form of energy.
  - 5. Setting or casting a fracture of a bone or dislocation of a joint.
  - 6. Administering a substance, by injection or inhalation, in accordance with the regulations.
  - 7. Administering a substance by injection or inhalation as provided for in subsection (2).
  - 8. Prescribing, dispensing, selling or compounding a drug in accordance with the regulations.
  - 9. Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual’s serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual’s judgment, insight, behaviour, communication or social functioning. 2009, c. 26, s. 18 (3); 2009, c. 26, s. 18 (4).

### **Further restrictions on authorized act**

(2) A member shall not perform a procedure under paragraph 7 of subsection (1) unless the procedure has been ordered by a member of the College of Physicians and Surgeons of Ontario or a member of any other College who is authorized to order the procedure. 2009, c. 26, s. 18 (3).

### **Section Amendments with date in force (d/m/y)**

1997, c. 9, s. 2 - 11/02/1998

2009, c. 26, s. 18 (3) - 01/10/2011; 2009, c. 26, s. 18 (4) - 30/12/2017

2017, c. 8, Sched. 22, s. 4 - not in force

### **College continued**

**6** The College is continued under the name College of Nurses of Ontario in English and Ordre des infirmières et infirmiers de l'Ontario in French. 1991, c. 32, s. 6.

### **Executive Director**

**7** The Registrar shall be known as the Executive Director. 1991, c. 32, s. 7.

### **Classes of nurses**

**8** The members shall be divided into two classes, registered nurses and practical nurses. 1991, c. 32, s. 8.

### **Council**

**9** (1) The Council shall be composed of,

- (a) twenty-one persons who are members elected in accordance with the by-laws, fourteen from among members who are registered nurses and seven from among members who are practical nurses; and
- (b) at least 14 and no more than 18 persons appointed by the Lieutenant Governor in Council who are not,
  - (i) members,
  - (ii) members of a College as defined in the *Regulated Health Professions Act, 1991*, or
  - (iii) members of a Council as defined in the *Regulated Health Professions Act, 1991*. 1991, c. 32, s. 9 (1); 1998, c. 18, Sched. G, s. 37 (1); 2009, c. 26, s. 18 (5).

### **Who can vote in elections**

(2) Subject to the by-laws, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council. 1991, c. 32, s. 9 (2); 1998, c. 18, Sched. G, s. 37 (2).

### **Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 37 (1, 2) - 01/02/1999

2009, c. 26, s. 18 (5) - 01/10/2011

### **President and Vice-President**

**10** (1) The Council shall have a President and two Vice-Presidents who shall be elected annually by the Council from among the Council's members. 1991, c. 32, s. 10 (1).

### **Vice-Presidents**

(2) One Vice-President shall be a registered nurse and one shall be a practical nurse. 1991, c. 32, s. 10 (2).

### **Restricted titles**

**11** (1) No person other than a member shall use the title "nurse", "nurse practitioner", "registered nurse" or "registered practical nurse", a variation or abbreviation or an equivalent in another language. 2007, c. 10, Sched. B, s. 14 (1).

### **Exception**

(2) Despite subsection (1), a person may use the title "Christian Science nurse" or "graduate nurse", a variation or abbreviation or an equivalent in another language. 1991, c. 32, s. 11 (2).

### **Restricted title**

(3) No person shall use the title “nursing assistant” or a variation or abbreviation of it. 1991, c. 32, s. 11 (3).

### **Same**

(4) No person shall use the title “nurse anaesthetist”, a variation or abbreviation or an equivalent in another language. 2007, c. 10, Sched. B, s. 14 (2).

### **Exception**

(4.1) Nothing in subsection (4) prevents a member from using a term, title or designation indicating a specialization of nursing associated with anaesthesia where the member does so in accordance with regulations made by the Council of the College under the Health Professions Procedural Code. 2007, c. 10, Sched. B, s. 14 (2).

### **Representations of qualification, etc.**

(5) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a nurse, registered nurse, practical nurse or nurse practitioner or in a specialty of nursing. 2009, c. 26, s. 18 (6).

### **Exception**

(6) Despite subsection (5), a person may hold himself or herself out as a Christian Science nurse. 2009, c. 26, s. 18 (6).

### **Definition**

(7) In this section,

“abbreviation” includes an abbreviation of a variation. 1991, c. 32, s. 11 (7).

### **Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 37 (3) - 01/02/1999

2007, c. 10, Sched. B, s. 14 (1, 2) - 04/06/2007

2009, c. 26, s. 18 (6) - 01/10/2011

### **Notice if suggestions referred to Advisory Council**

**12** (1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Regulated Health Professions Act, 1991*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council. 1991, c. 32, s. 12 (1).

### **Requirements re notice**

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion. 1991, c. 32, s. 12 (2).

### **Offence**

**13** Every person who contravenes subsection 11 (1), (3) or (5) is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence. 2007, c. 10, Sched. B, s. 14 (3).

### **Section Amendments with date in force (d/m/y)**

2007, c. 10, Sched. B, s. 14 (3) - 04/06/2007

### **Regulations**

**14** Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

- (a) prescribing procedures for the purpose of paragraph 1 of section 4;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 14 (a) of the Act is repealed and the following substituted: (See: 2017, c. 8, Sched. 22, s. 5 (1))**

- (a) prescribing procedures for the purpose of paragraph 1 of section 4 and paragraph 2 of section 4.1;

- (a.1) designating drugs that may be prescribed under paragraph 5 of section 4.1;
- (b) permitting a member to perform a procedure under clause 5 (1) (a) and governing the performance of the procedure, including, without limiting the foregoing, prescribing the class of members that can perform the procedure and providing that the procedure may only be performed under the authority of a prescribed member or a member of a prescribed class;
- (c) regulating and governing the administering of substances by members by injection or inhalation under paragraph 6 of subsection 5.1 (1), the prescribing, dispensing, compounding and selling of drugs by members in the course of engaging in the practice of nursing and ancillary matters, including, without limiting the generality of the foregoing,
- (i) governing the purposes for which, or the circumstances under which substances may be administered by injection or inhalation and drugs may be prescribed, dispensed, compounded or sold,
  - (ii) setting requirements respecting the administration of substances by injection or inhalation and the prescribing, dispensing, compounding and selling of drugs,
  - (iii) governing and regulating the storage, handling, display, identification, labelling and disposal of substances that may be administered by injection or inhalation and of drugs,
  - (iv) setting prohibitions, including prohibitions respecting the substances that may be administered by injection or inhalation and the drugs that may be prescribed, dispensed, compounded and sold,
  - (v) requiring members to keep records respecting the administering of substances by injection or inhalation and the prescribing, dispensing, compounding and selling of drugs and providing for the contents of those records,
  - (vi) requiring members to provide the College or the Minister with reports respecting the administering of substances by injection or inhalation and the prescribing, dispensing, compounding and selling of drugs and providing for the contents of those reports;
- (d) prescribing standards of practice respecting the circumstances in which registered nurses who hold an extended certificate of registration should consult with members of other health professions. 2009, c. 26, s. 18 (7).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 14 of the Act is amended by adding the following subsections:**  
(See: 2017, c. 8, Sched. 22, s. 5 (2))

#### **Individual drugs or categories**

(2) A regulation made under clause (1) (a.1) may specify or designate individual drugs or categories of drugs. 2017, c. 8, Sched. 22, s. 5 (2).

#### **Incorporation by reference**

(3) A regulation made under clause (1) (a.1) may adopt, by reference, in whole or in part, and with such changes as are considered necessary, one or more documents setting out a list of individual drugs or a list of categories of drugs that may be prescribed under paragraph 5 of section 4.1. 2017, c. 8, Sched. 22, s. 5 (2).

#### **Rolling incorporation**

(4) If a regulation provided for in subsection (3) so provides, a document adopted by reference shall be a reference to it as amended from time to time after the making of the regulation. 2017, c. 8, Sched. 22, s. 5 (2).

#### **Must be made by expert committee**

(5) A document adopted by reference under subsection (3) may only be a document created or approved by an expert committee established under section 43.2 of the *Regulated Health Professions Act, 1991* and no other body. 2017, c. 8, Sched. 22, s. 5 (2).

#### **Availability**

(6) A document adopted by reference under subsection (3) must be named in the regulation and must be available for public inspection during normal business hours in the office of the College and must be posted on the College's website or available through a hyperlink at the College's website. 2017, c. 8, Sched. 22, s. 5 (2).

#### **Section Amendments with date in force (d/m/y)**

1997, c. 9, s. 3 (1, 2) - 11/02/1998

2007, c. 10, Sched. B, s. 14 (4) - 04/06/2007

2009, c. 26, s. 18 (7) - 01/10/2011

2017, c. 8, Sched. 22, s. 5 (1, 2) - not in force

**Transitional**

**15** A person who, on the day before this Act comes into force, held a certificate issued under Part IV of the *Health Disciplines Act* shall be deemed to be the holder of a certificate of registration issued under this Act, subject to any term, condition or limitation to which the certificate was subject. 1991, c. 32, s. 15.

**16, 17** REPEALED: 2007, c. 10, Sched. B, s. 14 (5).

**Section Amendments with date in force (d/m/y)**

2007, c. 10, Sched. B, s. 14 (5) - 04/06/2007

**18** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 1991, c. 32, s. 18.

**19** OMITTED (ENACTS SHORT TITLE OF THIS ACT). 1991, c. 32, s. 19.

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Français

[Back to top](#)